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09/663,088	09/15/2000	Dr Uwe Schilling	00671384	3480

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EXAMINER

GIBSON, ERIC M

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/663,088

Applicant(s)

SCHILLING, DR UWE

Examiner

Eric M Gibson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Objections***

1. Claims 10 and 12-15 are objected to because of the following informalities:
  - a. Claim 10 contains more than one sentence. See MPEP §608.01(m).
  - b. Claims 12-15 are necessarily objected to as being dependent upon an objected base claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. Claim 5 recites the limitation "wherein the type of vehicle can be selected" in line 1-2. There is insufficient antecedent basis for this limitation in the claim. There is no previous recitation of "type of vehicle" in the claims.
  - b. Claim 6 recites the limitation "the information about the duration of time for which the traffic restrictions are applicable is stored" in line 2-3. There is insufficient antecedent basis for this limitation in the claim. There is no previous recitation of "the information" in the claims.

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c. Claim 7 is necessarily rejected as being dependent upon a rejected base claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Desai et al. (US005862509A).

a. The applicant teaches that a central processor connected to an input unit and an output unit, to position determination means and to a storage element for map data, and means for associating an ascertained vehicle position with a data record, stored in the storage element of the map data is know prior art (specification, page 1), for example EP 0363396B1. The known prior art does not teach storing information about traffic restrictions, wherein the relevant restrictions are displayed on the display unit. Desai teaches a navigation system for a motor vehicle wherein traffic restrictions (see column 1, lines 41-46) are stored in a memory (263, figure 11) and displayed on a display unit (267, figure 11). Desai also teaches that it is desirable to include the traffic restrictions in the map database so that route planning is not penalized or constrained (column 1, lines 47-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to include the traffic restrictions as taught by

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Desai, in the system of the known prior art, in order to offer greater flexibility in route planning.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Desai and the admitted prior art as applied to claim 1 above, and further in view of Barnea et al. (US005412573A).

a. As per claim 2, the combination teaches the invention as explained in the rejection of claim 1. The combination does not teach that traffic restrictions are speed restrictions. Barnea teaches a map database for use in a navigation system for a vehicle, wherein the map database includes traffic restrictions (column 5, lines 7-10). An included field in this database is a speed limit field 209 (column 5, line 17). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to include speed restriction data in the system taught by the combination, in order to further aid in route planning, as taught by Barnea.

b. As per claim 3, the combination teaches the invention as explained in the rejection of claim 1. The combination does not teach that traffic restrictions are length, width, height or weight restrictions. Barnea teaches a map database for use in a navigation system for a vehicle, wherein the map database includes traffic restrictions (column 5, lines 7-10). Included fields in this database are maximum allowable vehicle weight 213 and maximum allowable vehicle height 215 (column 5, line 18-21). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to include height or weight restriction data in the system taught by the combination, in order to further aid in route planning, as taught by Barnea.

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5. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Desai and the admitted prior art as applied to claim 1 above or the combination of Barnea, Desai and the admitted prior art as applied to claims 2 and 3 above, and further in view of Bremer et al. (US005184123A).

a. As per claim 4, the combination teaches the invention as explained in the rejections of claims 1, 2 and 3 above. The combination does not teach that the traffic restrictions are for a particular type of vehicle. Bremer teaches a navigation system for use in a vehicle, wherein the traffic restrictions are associated with a particular type of vehicle (column 4, lines 50-54). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to include traffic restrictions for a particular vehicle in the system of the combination, as taught by Bremer, in order to further aid in route planning.

b. As per claim 5, the combination teaches the invention as explained in the rejections of claims 1, 2 and 3 above. The combination does not teach that the type of vehicle may be selected and only the traffic restrictions relevant to the selected vehicle are displayed. Bremer teaches a navigation system for use in a vehicle, wherein a type of vehicle is selected (column 4, lines 35-37) and the traffic restrictions associated with that particular type of vehicle are displayed (column 4, lines 50-54). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to include traffic restrictions for a selected type of vehicle in the system of the combination, as taught by Bremer, in order to further aid in route planning.

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c. As per claim 6, the combination teaches the invention as explained in the rejection of claim 5 above. In addition, Desai has already been cited for teaching traffic restrictions that are time dependent.

d. As per claim 7, the combination teaches the invention as explained in the rejection of claim 6 above. In addition, Desai teaches time measurement means and means for displaying the applicability of the restriction at the present time (column 8, lines 42-57).

6. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Desai and the admitted prior art as applied to claim 1 above or the combination of Barnea, Desai and the admitted prior art as applied to claims 2 and 3 above, and further in view of Ebner et al. (EP0697580A1).

a. As per claim 8, the combination teaches the invention as explained in the rejection of claim 4. The combination does not teach that a mobile telephone can be connected to the navigation system. Ebner teaches a navigation system wherein a mobile telephone (T) can be connected in order to receive updates from a central location (Sp). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to include a mobile telephone in the system of the combination, as taught by Ebner, in order to receive map database updates from a central location.

b. As per claim 11, the combination teaches the invention as explained in the rejection of claim 8. Furthermore, Desai teaches that the data transfer is accomplished through a wireless radio channel (275, figure 11) from a base station (30, figure 11).

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7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination as applied to claim 8 above, and further in view of Meek (US006182006B1).

a. As per claim 9, the combination teaches the invention as explained in the rejection of claim 8. The combination does not teach that the mobile telephone can be connected to the navigation system via a wireless connection. The use of wireless communications interfaces is well known in the prior art. A typical wireless connection is usually via an IR interface. Meek is exemplary of a system employing a navigation unit (100, figure 2) that communicates via wireless connection (152, figure 2) to a remote unit. This allows the remote unit to provide data to the in-vehicle unit while still retaining its portability. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use this type of connection with a mobile telephone in the system as taught by the combination, in order to retain the portability of the mobile telephone.

8. Claims 10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Desai and the admitted prior art and further in view of Ebner et al. (EP0697580A1).

a. As per claim 10, the applicant teaches that a central processor connected to an input unit and an output unit, to position determination means and to a storage element for map data, and means for associating an ascertained vehicle position with a data record, stored in the storage element of the map data is known prior art (specification, page 1), for example EP 0363396B1. The known prior art does not teach



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storing information about traffic restrictions, wherein the relevant restrictions are displayed on the display unit. Desai teaches a navigation system for a motor vehicle wherein traffic restrictions (see column 1, lines 41-46) are stored in a memory (263, figure 11) and displayed on a display unit (267, figure 11). Desai also teaches that it is desirable to include the traffic restrictions in the map database so that route planning is not penalized or constrained (column 1, lines 47-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to include the traffic restrictions as taught by Desai, in the system of the known prior art, in order to offer greater flexibility in route planning. Desai further teaches that the data transfer is accomplished through a wireless radio channel (275, figure 11) from a base station (30, figure 11), but does not specifically teach a mobile telephone. Ebner teaches a navigation system wherein a mobile telephone (T) can be connected in order to receive updates from a central location (Sp). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to include a mobile telephone in the system of the combination, as taught by Ebner, in order to receive map database updates from a central location.

b. As per claim 12, Desai teaches that the traffic restrictions are used in route calculation (column 2, lines 24-40).

c. As per claim 13, Desai teaches that the position determination system includes a receiver for satellite data (column 3, lines 7-9).

d. As per claim 14, Desai teaches optionally including an inertial system for position determination (column 3, lines 9-10).

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e. As per claim 15, Desai teaches outputting the traffic restrictions audibly (column 8, lines 42-45).

### ***Response to Arguments***

9. Applicant's arguments filed 3/26/2002 have been fully considered but they are not persuasive. Specifically, the applicant argues that Desai fails to teach or disclose displaying the traffic restrictions on the display device. However, Desai explicitly teaches displaying the traffic restrictions on a display device to the operator in column 8, lines 42-45.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Gibson whose telephone number is (703) 306-4545. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

EMG  
June 28, 2002

  
YONEL BEAULIEU  
PRIMARY EXAMINER